UNITED STATES PATENT AND TRADEMARK OFFICE

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ART UNIT	PAPER NUMBER
2145	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 January 2008*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

         1.☐ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____.

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *20080204*.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed 1/18/2008 have been fully considered but they are not persuasive.

2.   Applicant argues that Aronson fails to disclose *generating one or more signatures using a length of the electronic communication and the URLs extracted.* Column 5, line 64 clearly shows the use of URLs extracted. Phone numbers and addresses are also used, which are both *a length of the electronic communication.* Applicant did not limit the length in the claim to a size, and Applicant did not compute a length allowing the reading to be limited to a numerical length. An address is a "length" or string in the electronic communication. **It is recommended that Applicant incorporate specification, page 7, paragraph 0021's formula for computing a length into the independent claims.** Applicant should further define what is intended by a length of the electronic communication within the independent claims, in order to properly construe the claims.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4.   Claims 1, 5, 10 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5.   The term "a length of the electronic communication" in claims 1, 5, 10 and 15 is a relative term which renders the claim indefinite. The term "a length" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. One of ordinary skill in the art is able to read this term multiple ways, and it is unclear what Applicant intends by this term. A length of the electronic communication can be construed as a string of data present within the communication, or a length of the electronic communication can be construed as dealing with the overall size of the body of the electronic communication. This presents two separate bodies of art that can be viewed when comparing the prior

art to the claims to determine patentability. One of ordinary skill in the art necessarily needs to know what

Applicant intends by "a length of the electronic communication."

Claim Rejections - 35 USC § 102

6.　　The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for

the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed
> publication in this or a foreign country, before the invention thereof by the applicant for a patent.

7.　　Claims 1-4 and 6-20 are rejected under 35 U.S.C. 102(a) as being anticipated by Aronson et al.

(US 6,654,787 B1).

8.　　In regard to claim 1, Aronson disclosed:

　　　extracting URLs from electronic communication; and column 5, lines 50-67

　　　analyzing the URLs extracted to determine whether the electronic communication is of a

first predetermined category, said analyzing comprising. Column 5, lines 50-67

　　　generating one or more signatures using a length of the electronic communication and

the URLs extracted. column 5, lines 50-67

9.　　In regard to claim 2, Aronson disclosed:

　　　extracting the URLs comprises extracting at least one of a hostname, a domain name, a

subsection of a domain relative link, and an Internet Protocol (IP) address from the electronic

communication. Column 5, lines 59-64

10.　　In regard to claims 3, 18, Aronson disclosed:

　　　performing a predetermined operation on the electronic communication if the electronic

communication is determined to be of the first predetermined category. Column 4, lines 35-67

11.　　In regard to claim 4, Aronson disclosed:

　　　selecting one or more of the one or more signatures generated; and column 5, lines 50-

67

comparing the selected signatures against a plurality of predetermined signatures

generated from a plurality of known electronic communications of the first predetermined

category. Column 5, lines 50-67; column 6, lines 1-29

12.   In regard to claim 6, Aronson disclosed:

using the extracted URLs as the one or more signatures. Column 5, lines 50-67

13.   In regard to claim 7, Aronson disclosed:

generating the one or more signatures based on at least one of a protocol, a hostname, a

domain name, a subsection of a domain relative link, and an Internet Protocol (IP) address from

the electronic communication. Column 5, lines 50-67

14.   In regard to claim 8, Aronson disclosed:

classifying the electronic communication to be of the first predetermined category if one

of the selected signatures matches one of the plurality of predetermined signatures. Column 5,

lines 50-67; column 6, lines 1-20

15.   In regard to claim 9, Aronson disclosed:

the plurality of predetermined signatures is derived from a plurality of electronic

documents reported via a collaborative submission mechanism. Column 5, lines 9-20

16.   In regard to claim 10, Aronson disclosed:

generating one or more signatures of electronic communication based on URLs in the

electronic communication; and column 5, lines 50-67

determining whether the electronic communication is of a first predetermined category

using the one or more signatures generated. Column 5, lines 50-67

17.   In regard to claim 11, Aronson disclosed:

selecting one or more of the one or more signatures generated based on a plurality of

predetermined criteria; column 5, lines 50-67

comparing the selected signatures against a plurality of predetermined signatures; and

column 5, lines 50-67; column 6, lines 1-29

classifying the electronic communication to be of the first predetermined category if one

of the selected signatures matches one of the plurality of predetermined signatures. Column 5,

lines 50-67; column 6, lines 1-29

18.   In regard to claim 12, Aronson disclosed:

selecting a signature if the signature represents a domain that was registered within a

predetermined period of time. Column 5, lines 50-67

19.   In regard to claim 13, Aronson disclosed:

selecting signatures representing one or more of a protocol, a hostname, a domain

name, and a subsection of a domain relative link having a predetermined string of letters.

Column 5, lines 50-67; column 6, lines 44-62

20.   In regard to claim 14, Aronson disclosed:

extracting the URLs from the electronic communication. Column 5, lines 50-67

21.   In regard to claim 15, Aronson disclosed:

a plurality of databases to store a plurality of predetermined signatures of a plurality of

known electronic communications of a first predetermined category; and column 3, lines 1-9;

column 4, lines 45-67; column 5, lines 9-20;

a server, coupled to the plurality of databases, including:

 a memory device to store a plurality of instructions; column 2, lines 61-67 *and*

 a processor, coupled to the memory device, to retrieve the plurality of instructions

from the memory device and to perform operations in response to the plurality of

operations, the operations comprising: column 2, lines 61-67

  extracting URLs from electronic communication to generate one or more

signatures; and column 5, lines 50-67

  comparing one or more of the one or more signatures generated against

the plurality of predetermined signatures stored in the plurality of databases to

determine whether the electronic communication is of the first predetermined

category. Column 5, lines 50-67; column 6, lines 1-29

22.   In regard to claim 16, Aronson disclosed:

the URLs comprises at least one of a hostname, a domain name, a subsection of a

domain relative link, and an Internet Protocol (IP) address. Column 5, lines 50-67

23.   In regard to claim 17, Aronson disclosed:

selecting one or more of the one or more signatures generated based on a plurality of

predetermined criteria. Column 5, lines 50-67

24.   In regard to claim 19, Aronson disclosed:

a database, coupled to the server, to store a plurality of reports from which the plurality of

predetermined signatures are generated. Column 4, lines 45-67; column 5, lines 20-67; column

6, lines 1-29

25.   In regard to claim 20, Aronson disclosed:

the plurality of databases are in a remote location from the server. Column 3, lines 1-9

Conclusion

26.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

27.   Pace et al.   US 6,460,050 B1

28.   Kephart   US 6,732,149 B1

29.   Sutton, Jr. et al.   US 7,222,157 B1

30.   Sobel   US 7,293,063

31.   Oliver et al.   US 7,299,261

32.   Milliken et al.   US 2004/0073617

33.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office

action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of

the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. Swearingen whose telephone number is (571)272-3921. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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